

RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF MISSOURI,

IN RELATION

To the disposal of the Public Lands.

DECEMBER 31, 1839.

Referred to the Committee on Public Lands, and ordered to be printed.

¶ Whereas, this General Assembly has seen with surprise, regret, and apprehension, the proceedings of several of the Legislatures of the States of this Union in relation to the public lands, and especially so far as those proceedings oppose a reduction of the price of the old lands which have been years in market, and propose a distribution of the money received from the sales of the lands among the several States; and considering these proceedings to be in their tendency and effect, both injurious and derogatory to the new States, and tending to a virtual infraction of the compacts with the new States, and to an abuse of the trust confided to the General Government for the disposal of the lands, this General Assembly deems it a duty to protest against such proceeding, and to express their opinions thereon, and to communicate them to the Congress of the United States, and to each of the States of the Union.

Therefore, be it resolved by the General Assembly of the State of Missouri, That the Congress of the United States, being, so far as the primary disposal of the soil is concerned, in the place of a local Legislature, is bound to exercise the powers of primary disposition in a fair, just, and equitable manner, so as to accomplish, within a reasonable time, the great object of *disposing* of the lands, and making them available to the States for the great purposes of settlement, cultivation, and taxation; and, to do this, it is obviously and indispensably necessary to reduce the price of the lands, which have been offered for years, without finding a purchaser at the present minimum price.

2. *Resolved,* That, by the terms of the cession acts, that the public lands in the States east of the Mississippi were ceded to the General Government, half a century ago *to be disposed of*, and by the terms of the treaties with France and Spain, the States formed out of the territory of Louisiana and Florida were to be admitted into the Union upon an *equal* footing with the old States, and with all the rights of sovereignty appertenant to them; and that the refusal of the Congress of the United States to graduate the price of the lands according to their quality, and a perseverance in the policy of demanding the *same* price for all qualities of land is a virtual refusal to *dispose* of them, and is a breach of the cession acts; and by delaying the right of the new States to tax and cultivate the lands within their limits, is denying to them an *equality* of sovereign rights with other States.

3. *Resolved*, That, by the constitution of the United States, article 4, section 3, clause 2, Congress is authorized to *dispose* of the territory and other property of the United States; and by another clause in the constitution, article 1, section 8, clause 16, is authorized to hold and exercise jurisdiction over lands within the States, only for certain specified, limited, and needful purposes; and that to hold bodies of lands, *indefinitely* in the new States, subject to the exclusive legislation of Congress for all trespasses upon it, with the right of trying the citizens of the States in her own courts for alleged trespasses, is a power no where deducible from the constitution, and clearly incompatible with the two clauses referred to.

4. *Resolved*, That by the compact between the State of Missouri and the General Government, the said States in *consideration* of certain grants of land, to be applied to the purposes of education, and also of a per centum on the sales of the lands, applicable to internal improvement, bound herself *not* to tax the lands of the United States within her limits, whether for State, county, township, or any other purpose whatever, until five years after the sale thereof by the United States, which stipulation to refrain from the sovereign right of taxing these lands until after they were sold, *contained a clear pledge on the part of Congress to sell them in a reasonable time*; and to comply with that pledge given by Congress near twenty years ago, it is indispensably necessary to offer the lands at prices adapted to their value, and at which they will sell, and not to hold them at prices far above their value, and for which they will not sell in ages and centuries.

5. *Resolved*, That the public lands in the State of Missouri, are of *different* qualities and *different* values; that they descend through every gradation of quality from the best to the worst, from that which is worth much to that which is worth but little, and even nothing at all; and that to demand one uniform price for all these qualities is a perversion of all the principles of right and wrong, is contrary to equity, justice, and fair dealing; and cannot be persevered in without taking the character of hostility to the new States.

6. *Resolved*, That this General Assembly has seen with surprise, the sudden, unexpected, and simultaneous movement of several States against the graduation bill; a measure which has been depending, at intervals, for more than a dozen years, which has been petitioned for repeatedly by the new States, the principles of which have received the sanction of many eminent members of Congress from the old States, and which, until now, never excited the alarms of any new State for the loss of the national domain; and which in fact tends to no such loss, but is a measure of sheer justice to the new ones.

7. *Resolved*, That the distribution of the proceeds of the lands among the several States would have the most injurious and degrading effects upon the new States; that it would tend to make the populous old States unite together to resist all reductions in the price of the lands, to resist all pre-emption claims, to resist all confirmations of French and Spanish claims, to resist all grants to the new States to put them on an equal footing with Ohio, to which the General Government has granted upward of one million of acres of land for roads and canals; and would induce them to consider the public lands in the new States as a fund for paying their own debts, and a means of raising money for themselves, and therefore lead them to keep up the price, and to practise every possible act to make them yield the largest amount of money.

8. *Resolved*, That to carry out of the new States the moneys collected within them for the lands, and to transport that money in masses to the remote and populous States, would be to eviscerate annually the new States of their gold and silver, and their effective funds, and would be ruinous and destructive to the said new States.

9. *Resolved*, That the system of dividing out the proceeds of the public lands, must have the effect of creating an insatiable appetite in the old States for that species of the spoils, and preventing necessary appropriations for the defence of the frontiers, and the country generally; and must lead to a debt or taxes, or to the revival of the tariff, and must end in debauching and demoralizing the public mind, tainting the purity of legislation, degrading the States into annuitants of the General Government, and ending in a consolidated Government.

10. *Resolved*, That this General Assembly deprecates all attempts to connect the question of the public lands with party politics, and to make them subservient to political aspirations at the approaching returns of Presidential elections; and that they invoke the good faith and justice of Congress to execute with fidelity the trust reposed in the Federal Legislature by the cession acts, the constitution, the treaties with France and Spain *to dispose of these lands*; and also to comply with the fair implication resulting from the compacts with the States *to sell them in a reasonable time*. What that reasonable time should be, this General Assembly do not undertake to prescribe, but do say that, to effect these sales in a reasonable time, it is indispensable to reduce their prices, and to establish various prices for various qualities of land; that a graduation of price according to the time the land has been in market, is the readiest and cheapest way to accomplish the object, and may come as near the true value as the expensive, dilatory, imperfect, and discordant valuations of different men in different districts could ever attain.

11. *Resolved*, That the enlightened policy of a statesman should see, in the occupation and cultivation of the lands, by private owners, the true and perpetual source of strength, wealth, and revenue, to the country, infinitely transcending any amount which can be received from their sale; and that a mere gift of a reasonable quantity to a cultivator would be a wise and beneficial disposal of the land, looking to a term of years, in a mere pecuniary and revenue point of view.

12. *Resolved*, That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress to be laid before the bodies of which they are members; also, that copies be forwarded to each of the Governors of the States of this Union, with a request to lay them before the Legislatures of the States to which they respectively belong.

Approved February 13, 1839.

STATE OF MISSOURI, CITY OF JEFFERSON,
Office of Secretary of State.

I, James L. Minor, Secretary of State of the State of Missouri, do, hereby, certify the annexed to be a true copy of the original resolutions now on file in this office.

Witness my hand and the seal of said office, this first day of October,
[L. s.] A. D., 1839.

JAMES L. MINOR.

